

Charge Conference Draft 3.2.2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-against-

TAIROD NATHAN WEBSTER PUGH,

Defendant.

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

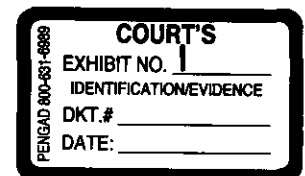
Now that the evidence in this case has been presented and the attorneys for the Government and the Defendant have concluded their closing arguments, it is my responsibility to instruct you as to the law that governs this case.¹ My instructions will be in three parts:

First: I will instruct you regarding the general rules that define and govern the duties of a jury in a criminal case;

Second: I will instruct you regarding the legal elements of the crimes charged in the Indictment—that is, the specific elements that the Government must prove beyond a reasonable doubt to warrant a finding of guilt as to each crime; and

Third: I will give you some general rules regarding your deliberations.

¹ Statutory language quoted in this Final Charge is set forth in bold lettering.



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-against-

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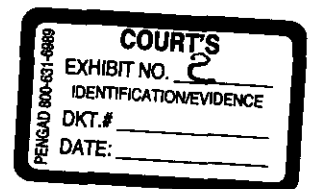
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

15-CR-116 (NGG)

- against -

VERDICT SHEET

TAIROD NATHAN WEBSTER PUGH,

Defendant.

----- X

COUNT ONE

(Attempted Provision of Material Support to a Foreign Terrorist Organization)

How do you find the defendant as to Count One?

GUILTY _____

NOT GUILTY _____

COUNT TWO

(Obstruction of an Official Proceeding)

How do you find the defendant as to Count Two?

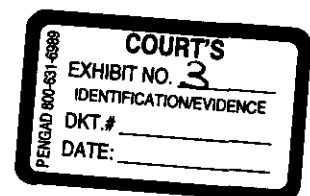
GUILTY _____

NOT GUILTY _____

Your foreperson must now sign and date the verdict sheet, and return it to the courtroom.

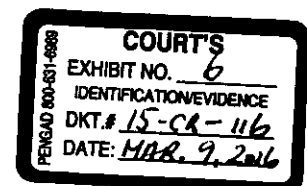
Dated: Brooklyn, New York
March ____, 2016

Jury Foreperson



GOVERNMENT EXHIBITS

| GX # | Description |
|-------------|--|
| 1. | DOD Defense Personnel and Training File |
| 2. | Department of Defense Identification Card |
| 3. | File copy of FAA mechanic certification card |
| 4. | U.S. Air Force course transcript |
| 5. | Resume to Gryphon |
| 6. | Gryphon employment application |
| 7. | Gryphon employment contract |
| 8. | Photo of Hawker |
| 9. | Gryphon payment voucher |
| 10. | Acknowledgment final day/final pay at Gryphon 12-25-2014 |
| 12. | ISIS flag |



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| 13. | <p>Pugh Facebook Exhibits</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit g. Sub exhibit h. Sub exhibit i. Sub exhibit j. Sub exhibit k. Sub exhibit l. Sub exhibit m. Sub exhibit |
| 14. | <p>Ummsummayah Amtushahid Facebook Exhibits</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit |
| 15. | <p>Umm Sumayyah Facebook Exhibits</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit |
| 16. | Egypt Air travel record from Cairo to Istanbul |
| 18. | <p>Photos of Pugh at Ataturk Airport</p> <ul style="list-style-type: none"> a. Photo 1 b. Photo 2 c. Photo 3 d. Photo 4 |
| 19. | Photo of Pugh at Ataturk Airport |
| 20. | Photo Ataturk Airport bench |
| 21. | <p>FD-597 Form and Photos of Elec. Devices (1-11-2015)</p> <p>21.a Copy of FD-597s and photos shown by Collie to Pugh</p> |
| 22. | FD-597 Form and Photos of Broken Thumb Drives (1-12-2015) |

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| 23. | Simon Maher photos taken in Egypt <ul style="list-style-type: none"> a. Two backpacks b. Baggage claim tag c. Certificate of Achievement d. Certificate of Embracing Islam e. Kuwait itinerary and envelope |
| 24. | Thumb Drives <ul style="list-style-type: none"> a. SanDisk Cruzer 2 GB Memory Stick SDCZ36-002G BE1107VQYN b. Damaged USB memory stick SanDisk 20071464R5 c. Damaged USB memory stick NMC 850160 d. Damaged USB memory stick AR212W e. Damaged USB memory stick 484R1 SanDisk 2009 f. Pocket Hub USB adaptor |
| 25. | Pixel mobile phone |
| 26. | Samsung Mobile Phone |
| 27. | iPod |
| 28. | HP Laptop |
| 29. | Laptop Charger |
| 30. | 30.b Undercover Video |
| 32. | Undercover Agent Facebook Exhibits <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit |
| 33. | Undercover Agent audio and clips (33a-h) <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit g. Sub exhibit h. Sub exhibit |
| 34. | ISIS Secretary of State Designation |

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| 35. | Maps <ol style="list-style-type: none"> a. Map b. Map c. Map |
| 36. | Yahoo Email Exhibit and Sub exhibits <ol style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit g. Sub exhibit |
| 37. | Turkey/Syria Border Crossings Status |
| 38. | Turkey MLAT document |
| 39. | Gmail exhibit |
| 44. | Hard Drive Exemplar |
| 45. | <ol style="list-style-type: none"> a. Broken microchip piece b. Broken microchip piece c. Broken microchip piece d. Broken microchip piece e. Broken microchip piece f. Broken microchip piece |
| 46. | Photo laptop screen |

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| 48. | <p>FTK Report re: All A/V Files on Laptop (disc)</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit g. Sub exhibit h. Sub exhibit i. Sub exhibit j. Sub exhibit k. Sub exhibit l. Sub exhibit m. Sub exhibit n. Sub exhibit |
| 49. | <p>Laptop FTK Report re: Flames of War Fragment (disc)</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit |
| 50. | <p>Laptop FTK Report re: Thumb Drives, Documents and Folders (disc)</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit |
| 51. | <p>Internet Evidence Finder laptop Internet searches (disc)</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit g. Sub exhibit h. Sub exhibit i. Sub exhibit j. Sub exhibit k. Sub exhibit l. Sub exhibit m. Sub exhibit n. Sub exhibit o. Sub exhibit |
| 52. | <p>a-d Excel spreadsheets re: lnk and jumplist files</p> |

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| 53. | PowerPoint Presentation re: Thumb Drives |
| 54. | <ul style="list-style-type: none"> a. Summary Chart of Firefox Web History b. Summary Chart of Firefox Form History c. Summary Chart of Firefox Bookmarks d. Summary Chart of Firefox Downloads |
| 55. | BluRay Disk of phone, thumb drive, and iPod evidence (disc) |
| 56. | <p>Samsung phone sub exhibits</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit l. Sub exhibit |
| 58. | Report on thumb drive specimens |
| 59. | <ul style="list-style-type: none"> a. Printout on iPod wipe date (coded) b. Printout on iPod wipe date (decoded) |
| 62. | Defence of Muslim Lands |
| 63. | Join the Caravan |
| 64. | My Misha letter |
| 65. | Jihad: The Forgotten Obligation |
| 66. | <p>Laptop Videos (Disc)</p> <ul style="list-style-type: none"> a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit g. Sub exhibit h. Sub exhibit i. Sub exhibit j. Sub exhibit k. Sub exhibit l. Sub exhibit m. Sub exhibit n. Sub exhibit |

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| 67. | Stills from Exhibit 66b a. Sub exhibit b. Sub exhibit c. Sub exhibit d. Sub exhibit e. Sub exhibit f. Sub exhibit |
| 90. | Stipulation |
| 91. | Stipulation |
| 92. | Stipulation |
| 93. | Stipulation |
| 94. | Stipulation |
| 95. | Stipulation |
| 100. | Backpack |
| 101. | Kuwait – Cairo Itinerary |
| 102. | Cairo – Istanbul Itinerary |
| 103. | Black Notebook documents a. Sub exhibit |
| 104. | Certificate of Embracing Islam |
| 105. | Tairod Pugh's Birth Certificate |
| 106. | Certificate of Achievement |
| 107. | Photo Pugh Cockpit |
| 108. | Affidavit of Eligibility to Marry |
| 109. | Marriage Certificate |
| 110. | USAF Discharge Document |
| 111. | Employee Training Status |

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|------|-----------------------------------|
| 112. | FAA Mechanic Certificate (2013) |
| 113. | FAA Mechanic Certificate (1993) |
| 114. | UAE Driver's License |
| 115. | Solar powered flashlight keychain |
| 116. | Solar powered charger & cords |
| 117. | Compass 1 |
| 118. | Compass 2 |
| 119. | Backpack 2 |
| 120. | Green Jacket |
| 121. | US coins |
| 122. | Egyptian currency |
| 123. | Kuwaiti currency |
| 124. | U.S. Passport |

DEFENSE EXHIBITS

| DX | Description |
|-----------|--|
| A. | Pugh/Aslam Email Exchange |
| B. | Green Folder: Marriott – Visa Application Requirements |
| C. | Green Folder: U.S. Air Force Document |
| D. | Green Folder: Individual Employee Training Status |
| E. | Green Folder: Recommendation Letter |
| F. | Green Folder: Documents |
| G. | Green Folder: Photos |
| H. | Article |
| I. | Article |
| J. | Pugh Facebook Sub exhibit |
| K. | Pugh Facebook Sub exhibit |
| L. | Pugh Facebook Sub exhibit |
| M. | Pugh Facebook Sub exhibit |
| N. | Map |
| O. | Map |
| P. | Map |
| Q. | Map |

